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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CASCA, FRED A	

ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/668,299	LEHTINEN ET AL.	
	Examiner	Art Unit	
	Fred A. Casca	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-12,14,15,17-21 and 23-27* is/are rejected.

7)☒ Claim(s) *5,13,16 and 22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on November 21, 2005. Claims 1-27 are still pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4, 6-7, 9, 14-15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al (U.S. Patent No. 6,993,332 B2), in view of Virtanen (U.S. Patent No.6,570,862 B2).

Referring to claim 1, Pederson discloses a method of selecting a handover parameter in a cellular network (Abstract, and col. 2, lines 25-60, "handover procedure is defined . . . handover parameters define a respective handover trigger condition", note that a handover parameter is inherently selected in order to continue with the handover procedure"), said method comprising the steps of:

Selecting the handover parameter from a plurality of handover parameters (Abstract, and col. 2, lines 25-60, and col. 3, lines 5-60, "handover parameters define a respective handover trigger condition", note that a handover parameter is inherently selected in order to perform the handover procedure);

setting said selected handover parameter (Abstract, and col. 2, lines 25-60, and col. 3, lines 5-60, "a predetermined handover trigger", "first threshold", "second threshold", note that a handover procedure is performed inherently by setting parameters according to the threshold values).

Pederson does not specificaly disclose **measuring a delay of a handover procedure**, and setting said handover procedure **based on the result of said measured delay**.

Virtanen discloses **measuring a delay of a handover procedure**, and setting the handover procedure **based on the result of said measured delay** (abstract, and col. 3, line 25 through col. 4, line 3, "measure pilot signals", "calculate the power difference", "estimated time distribution of handovers", "on the basis of these parameters . . . conclude which handover technique is the most advantageous each time").

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Pederson by incorporating the teachings of Virtanen, and providing **measuring a delay of a handover procedure, as suggested by Virtanen,** and allowing setting said handover procedure **based on the result of said measurement step,** motivation being to provide a more efficient handover procedure by using handover delays.

Referring to claim 6, the combination of Pederson/Virtanen disclose the method of claim 1, and further disclose the setting step comprises setting the handover parameter (Pederson, col. 2, lines 25-60, and col. 3, lines 5-60, "a predetermined handover trigger", "first threshold") and further disclose the handover parameter is tuned dynamically based

on the result of the measuring step (Virtanen, col. 3, line 25 through col. 4, line 3, "measure pilot signals", "calculate the power difference", "estimated time distribution of handovers", "on the basis of these parameters . . . conclude which handover technique is the most advantageous each time").

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Pederson by incorporating the teachings of Virtanen, and providing the handover parameter to be tuned dynamically based on the result of the measuring step, motivation being to provide a more efficient handover procedure by using handover delays.

Referring to claim 7, the combination of Pederson/Virtanen disclose the method of claim 1, and further disclose comparing the result of the measuring step with a predetermined threshold (Pederson, col. 2, lines 25-42, threshold").

Referring to claim 9, the combination of Pederson/Virtanen disclose the method of claim 7, and further disclose the steps of setting the handover parameter to a first value when the measured handover delay is smaller than the predetermined threshold, and setting the handover parameter to a second value when the measured handover delay is not smaller than the predetermined threshold (Pederson, col. 2,lines 25-42).

Referring to claim 14, Pederson discloses a network device for selecting a handover parameter in a cellular network (Abstract, and col. 2, lines 25-60, "handover procedure is defined . . . handover parameters define a respective handover trigger

condition", note that a handover parameter is inherently selected in order to continue with the handover procedure"), said device comprising

selecting means for selecting the handover parameter from a plurality of handover parameters (Abstract, and col. 2, lines 25-60, and col. 3, lines 5-60, "handover parameters define a respective handover trigger condition", note that a handover parameter is inherently selected in order to perform the handover procedure);

setting means for setting said selected handover parameter (Abstract, and col. 2, lines 25-60, and col. 3, lines 5-60, "a predetermined handover trigger", "first threshold", "second threshold", note that a handover procedure is performed inherently by setting parameters according to the threshold values).

Pederson does not specifically disclose **measuring means for measuring a delay of a handover procedure**, and setting said handover parameter **in response to said measured delay**.

Virtanen discloses **measuring means for measuring a delay of a handover procedure**, and setting the selected handover parameter **in response to said measured delay** (abstract, and col. 3, line 25 through col. 4, line 3, "measure pilot signals", "calculate the power difference", "estimated time distribution of handovers", "on the basis of these parameters . . . conclude which handover technique is the most advantageous each time").

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Pederson by incorporating the teachings of Virtanen, and providing **measuring means for measuring a delay of a handover parameter, as suggested by Virtanen,** and allowing setting said handover procedure **based on the**

result of said measurement step, motivation being to provide a more efficient handover procedure by using handover delays.

Referring to claim 26, Pederson discloses a network device for selecting a handover parameter in a cellular network (Abstract, and col. 2, lines 25-60, "handover procedure is defined . . . handover parameters define a respective handover trigger condition", note that a handover parameter is inherently selected in order to continue with the handover procedure"), said device comprising:

a selector unit electing the handover parameter from a plurality of handover parameters (Abstract, and col. 2, lines 25-60, and col. 3, lines 5-60, "handover parameters define a respective handover trigger condition", note that a handover parameter is inherently selected in order to perform the handover procedure); and

a selection unit for setting said selected handover parameter (Abstract, and col. 2, lines 25-60, and col. 3, lines 5-60, "a predetermined handover trigger", "first threshold", "second threshold", note that a handover procedure is performed inherently by setting parameters according to the threshold values).

Pederson does not specifically disclose **a measuring unit for measuring a delay of a handover procedure**, and setting said handover parameter **in response to said measuring delay**.

Virtanen discloses a **measuring unit for measuring a delay of a handover procedure**, and setting the handover procedure **based on the result of said measured delay** (abstract, and col. 3, line 25 through col. 4, line 3, "measure pilot signals", "calculate the power difference", "estimated time distribution of handovers", "on the

basis of these parameters . . . conclude which handover technique is the most advantageous each time").

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the device of Pederson by incorporating the teachings of Virtanen, and providing **measuring a delay of a handover procedure, as suggested by Virtanen,** and allowing setting said handover procedure **based on the result of said measurement step,** motivation being to provide a more efficient handover procedure by using handover delays.

Referring to claim 4, the combination of Pederson/Virtanen disclose the method of claim 1, and further disclose the measuring step comprises measuring the delay of the handover procedure and handover delay comprises ***at least one of*** a round trip delay of a physical layer protocol signaling, a delay between a radio network controlling device and a base station device, ***a measurement delay at a terminal device***, and a processing delay of said cellular network (Virtanen, col.3, line 50 through col.4, line 3, "the terminal equipmet calculates the power difference").

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Pederson/Virtanen by providing the handover delay to comprise ***at least one of*** a round trip delay of a physical layer protocol signaling, a delay between a radio network controlling device and a base station device, ***a measurement delay at a terminal device***, and a processing delay of said cellular network, as the handover delay process of taught by Virtanen, motivation being for the purpose of minimizing processing delay and contributing towards a more efficient system.

Referring to claim 15 the combination of Pederson/Virtanen disclose the method of claim 14 and further disclose the handover delay comprises ***at least one of*** a round trip delay of a physical layer protocol signaling, a delay between a radio network controlling device and a base station device, ***a measurement delay at a terminal device***, and a processing delay of said cellular network (Virtanen, col.3, line 50 through col.4, line 3, "the terminal equipmet calculates the power difference").

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the device of Pederson/Virtanen by providing the handover delay to comprise ***at least one of*** a round trip delay of a physical layer protocol signaling, a delay between a radio network controlling device and a base station device, ***a measurement delay at a terminal device***, and a processing delay of said cellular network, as the handover delay process of taught by Virtanen, motivation being for the purpose of minimizing processing delay and contributing towards a more efficient system.

4. Claims 2-3, 17-18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al (U.S. Patent No. 6,993,332 B2), in view of Virtanen (U.S. Patent No.6,570,862 B2), and further in view of Liang (U.S. Pub. No. 2003/0157934 A1).

Referring to claim 2, the combination of Pederson/Virtanen disclose the method according to claim 1, and further disclose the measuring step comprises measuring the delay of the handover procedure (Virtanen, abstract, and col. 3, line 25 through col. 4,

line 3, "measure pilot signals", "calculate the power difference", "estimated time distribution of handovers").

The combination of Pederson/Virtanen does not specifically disclose the handover parameter comprises a **hysteresis** value for a handover threshold.

Liang discloses the handover parameter comprises a **hysteresis** value for a handover threshold (Liang, paragraphs 0006-0007).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Pederson/Virtanen by the handover parameter to comprise a hysteresis value for a handover threshold, as suggested by Liang, motivation being to provide a more efficient handover procedure by using handover delays.

Referring to claim 3, the combination of Pederson/Virtanen disclose the method of claim 1, and further disclose the measuring step comprises measuring the delay of the handover procedure (Virtanen, abstract, and col. 3, line 25 through col. 4, line 3, "measure pilot signals", "calculate the power difference", "estimated time distribution of handovers").

The combination of Pederson/Virtanen does not specifically the handover parameter comprises a length of an averaging window used for measuring transmission quality of a radio connection.

Liang discloses the handover parameter comprises a length of an averaging window used for measuring transmission quality of a radio connection (Liang, paragraph 0045, "averaging window").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Pederson/Virtanen by providing an averaging window used for measuring transmission quality of a radio connection, in order to allow a more efficient measuring system.

Referring to claim 17, the combination of Pederson/Virtanen disclose the device according to claim 14, and further disclose the measuring step comprises measuring the delay of the handover procedure (Virtanen, abstract, and col. 3, line 25 through col. 4, line 3, "measure pilot signals", "calculate the power difference", "estimated time distribution of handovers").

The combination of Pederson/Virtanen does not specifically disclose the handover parameter comprises a **hysteresis** value for a handover threshold.

Liang discloses the handover parameter comprises a **hysteresis** value for a handover threshold (Liang, paragraphs 0006-0007).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Pederson/Virtanen by the handover parameter to comprise a hysteresis value for a handover threshold, as suggested by Liang, motivation being to provide a more efficient handover procedure by using handover delays.

Referring to claim 18, the combination of Pederson/Virtanen disclose the device of claim 14, and further disclose the measuring step comprises measuring the delay of the handover procedure (Virtanen, abstract, and col. 3, line 25 through col. 4, line 3,

"measure pilot signals", "calculate the power difference", "estimated time distribution of handovers").

The combination of Pederson/Virtanen does not specifically the handover parameter comprises a length of an averaging window used for measuring transmission quality of a radio connection.

Liang discloses the handover parameter comprises a length of an averaging window used for measuring transmission quality of a radio connection (Liang, paragraph 0045, "averaging window").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Pederson/Virtanen by providing an averaging window used for measuring transmission quality of a radio connection, in order to allow a more efficient measuring system.

Referring to claim 27, the combination of Pederson/Virtanen disclose the device according to claim 26.

The combination of Pederson/Virtanen does not specifically disclose the handover parameter comprises a **hysteresis** value for a handover threshold.

Liang discloses the handover parameter comprises a **hysteresis** value for a handover threshold (Liang, paragraphs 0006-0007).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Pederson/Virtanen by the handover parameter to comprise a hysteresis value for a handover threshold, as suggested by Liang, motivation being to provide a more efficient handover procedure by using handover delays.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al (U.S. Patent No. 6,993,332 B2), in view of Virtanen (U.S. Patent No.6,570,862 B2), and further in view of U.S Pub. No. 20040219919 A1, Whinnet et al.

Referring to claim 8, the combination of Pederson/Virtanen disclose the method according to claim 7, and further disclose comparing step comprises said predetermined threshold (Pederson, col.2, lines 25-42, "threshold").

The combination of Pederson/Virtanen does not disclose the comparing step comprises the predetermined threshold corresponding to a hysteresis value of at least approximately 200ms.

Whinnet discloses that predetermined threshold corresponding to a hysteresis value of at least approximately 200ms (paragraph 0084, "500 ms")

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Pederson/Virtanen by providing an approximate value range for hysteresis, e.g., 500 ms, as suggested by Whinnet, for the purpose of providing an efficient handover procedure.

6. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al (U.S. Patent No. 6,993,332 B2), in view of Virtanen (U.S. Patent No.6,570,862 B2), and further in view of U.S Pub. No. 20020018010 A1, Le.

Referring to claim 10, the combination of Pederson/Vintanen disclose the method according claim 1.

The combination of Pederson/Virtanen does not disclose measuring an acknowledged mode round trip delay and estimating a peer-to-peer signaling delay based on the measured round trip delay.

Le discloses measuring an acknowledged mode round trip delay estimating a peer to peer signaling delay based on the measured round trip delay (paragraphs 0115 and 0165).

It would have been obvious to one of the ordinary skill in the art at time of the invention to modify the system of Pederson/Virtanen by providing measuring step to comprise measuring an acknowledged mode round trip delay and estimate a peer-to-peer signaling delay based on the measured round trip delay, motivation being for the purpose of providing a more compete measuring step.

Referring to claim 19, the combination of Pederson/Virtanen disclose the device according to claim 14.

The combination of Pederson/Virtanen does not disclose measuring an acknowledged mode round trip delay and estimating a peer-to-peer signaling delay based on the measured round trip delay.

Le discloses measuring an acknowledged mode round trip delay estimating a peer to peer signaling delay based on the measured round trip delay (paragraphs 0115 and 0165).

It would have been obvious to one of the ordinary skill in the art at time of the invention to modify the system of Pederson/Virtanen by providing measuring step to comprise measuring an acknowledged mode round trip delay and estimate a peer-to-peer

signaling delay based on the measured round trip delay, motivation being for the purpose of providing a more compete measuring step.

7. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al (U.S. Patent No. 6,993,332 B2), in view of Virtanen (U.S. Patent No.6,570,862 B2), and further in view of U.S Pub. No. 20040202119 A1, Edge.

Referring to claim 12, the combination of Pederson/Virtanen disclose the method according to claim 1.

The combination of Pederson/Virtanen does not disclose calculating or deducing said delay from a standard protocol message by using a common time reference.

Edge discloses that a measuring step comprises calculating or deducing said delay from a standard protocol message by using a common time reference (paragraph 0035, "measure timing difference", "synchronizing").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Pederson/Virtanen by providing measuring step to comprise calculating or deducing the delay from a standard protocol message, e.g., synchronization, by using a common time reference, motivation being to provide a smooth measuring process with a well known process.

Referring to claim 20, the combination of Pederson/Virtanen disclose the device according to claim 14.

The combination of Pederson/Virtanen does not disclose calculating or deducing said delay from a standard protocol message by using a common time reference.

Edge discloses that calculating or deducing said delay from a standard protocol message by using a common time reference (paragraph 0035, "measure timing difference", "synchronizing").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Pederson/Virtanen by providing measuring step to comprise calculating or deducing said delay from a standard protocol message, e.g., synchronization, by using a common time reference, motivation being to provide a smooth measuring process with a well known process.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al (U.S. Patent No. 6,993,332 B2), in view of Virtanen (U.S. Patent No.6,570,862 B2), further in view of U.S Pub. No. 2002/0018010 A1, Le, and further in view of U.S. Patent No. 6,735,436, McCauley et al.

Referring to claim 11, the combination of Pederson/Virtanen/Le disclose the method according to claim 10.

The combination of Pederson/Virtanen/Le does not disclose measuring step is based on a counting operation for counting time stamps.

McCauley discloses measuring step is based on a counting operation for counting time stamps (col. 8, line 51 through col. 9, line 12).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Pederson/Virtanen /Le by providing measuring step to be based on a counting operation for counting time stamps, motivation being to provide an efficient measuring system.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al (U.S. Patent No. 6,993,332 B2), in view of Virtanen (U.S. Patent No.6,570,862 B2), and further in view of U.S Pub. No. 20040202119 A1, Edge, and further in view of U.S Pub. No. 20040219919 A1, Whinnet et al.

Referring to claim 21, the combination of Pederson/Virtanen/Edge disclose the device according to claim 20.

The combination of Pederson/Virtanen/Edge does not disclose measuring means is arranged to use a common time reference for calculating or deducing said handover delay.

Whinnet discloses a common time reference for calculating or deducing the handover delay (paragraph 0084, "500 ms").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Pederson/Virtanen/Edge by providing an approximate value range for e.g., 500ms for hysteresis, as suggested by Whinnet, for calculating or deducing the handover delay for the purpose of the purpose of providing an efficient handover procedure.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al (U.S. Patent No. 6,993,332 B2), in view of Virtanen (U.S. Patent No.6,570,862 B2), and further in view of U.S Pub. No. 2002/0018010 A1, Le, and further in view of U.S Pub. No. 20020107031 A1, Syrjarinne et al.

Referring to claim 23, the combination of Pederson/Virtanen/Le disclose the device according to claim 19.

The combination of Pederson/Virtanen/Le does not disclose measuring means comprises a frame counter for keeping a time stamp.

Syrjarinne discloses a frame counter for keeping a time stamp in time synchronization for cellular phones (paragraphs 0020, 0023).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Pederson/Virtanen/Le by providing measuring means to comprise a frame counter for keeping a time stamp, as suggested by Syrjarinne, motivation being to provide more efficient measuring system.

11. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pederson et al (U.S. Patent No. 6,993,332 B2), in view of Virtanen (U.S. Patent No.6, 570,862 B2), and further in view of U.S Pub. No. 2004/0053606 A1, Artamo et al.

Referring to claim 24, the combination of Pederson/Virtanen disclose the device according to claim 14.

The combination of Pederson/Virtanen does not disclose the network device is a device responsible for handover in said cellular network.

Artamo discloses a network device such as radio network controller responsible for handover responsible for handover in the cellular network.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Pederson/Virtanen by providing a radio network

controller responsible for handover responsible for handover in the cellular network, as suggested by Artamo, for the purpose of providing an efficient handover method.

Referring to claim 25, the combination of Pederson/Virtanen disclose the device according to claim 14.

The combination of Pederson/Virtanen does not disclose the network device is a radio network controller.

Artamo discloses a network device such as radio network controller responsible for handover responsible for handover in the cellular network.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Pederson/Virtanen by providing a radio network controller responsible for handover responsible for handover in the cellular network, as suggested by Artamo, for the purpose of providing an efficient handover method.

Allowable Subject Matter

12. Claims 5, 13, 16, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments with respect to claims 1-4, 6-12, 14-15, 17-21, and 23-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER